

THE HONORABLE BENJAMIN SETTLE
THE HONORABLE DAVID W. CHRISTEL

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

JESUS CHAVEZ FLORES,

Plaintiff,

v.

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT; THOMAS D.
HOMAN, Deputy Director and Senior Official
Performing the Duties of the Director of the U.S.
Immigration and Customs Enforcement; MARC J.
MOORE, Director of the Seattle Field Office of
U.S. Customs Enforcement; BRYAN WILCOX,
Deputy Director of the Seattle Field Office of U.S.
Immigration and Customs Enforcement;
WILLIAM PENALOZA, Assistant Field Office
Director, Detention, Seattle Field Office of U.S.
Immigration and Customs Enforcement; DREW
BOSTOCK, Assistant Field Office Director,
Seattle Field Office of U.S. Immigration and
Customs Enforcement; ICE DOES 1-10; THE
GEO GROUP, INC., a Florida corporation;
LOWELL CLARK, Warden, Northwest Detention
Center; WILLIAM MCHATTON, Associate
Warden, Northwest Detention Center; MICHAEL
BEARDSLEY, Officer, Northwest Detention
Center; LEROY PORTILLO, Captain, Northwest
Detention Center; GEO DOES 1-10,

Defendants

Case No.: 3:18-cv-05139-BHS-DWC

THE GEO GROUP, INC.'S, MOTION
TO SEAL AND SUBSTITUTE

NOTED FOR: OCTOBER 12, 2018

1 The GEO Group, Inc., Lowell Clark, William McHatton, Michael Beardsley, Leroy
 2 Portillo, and GEO Does 1-10 ("GEO") move under LCR 5(g)(1)(A) to seal Dkt. 24, DVD
 3 video of Incident and the associated still shots at Exhibit E to Dkt. 25 of the Amended
 4 Declaration of Joan K. Mell. GEO further requests leave to substitute the still shots at Exhibit
 5 E with still shots with redactions.¹ This motion comes before the Court because ICE expressed
 6 its concern that the unredacted still shots and video may depict individually identifiable
 7 detainees and correction officers. This motion is also based upon the proposed protective order
 8 wherein the parties agreed to treat video as confidential to the extent the video depicts
 9 individually identifiable persons.

10 LCR 5(g)(1)(A) requires GEO to confer with opposing counsel to determine whether
 11 they consent or oppose this motion. GEO conferred with counsel for both parties.² ICE agrees
 12 to and requested the relief.³ Plaintiff opposes on waiver grounds.⁴ GEO defers to ICE.

13 LCR 5(g) requires the moving party to show "the legitimate private or public interests
 14 that warrant [filing under seal]; the injury that will result if the relief sought is not granted; and
 15 why a less restrictive alternative to the relief sought is not sufficient."⁵ The parties have agreed
 16 to treat video as confidential to the extent that individual identities are ascertainable.⁶ The
 17 presenting concern is that the existing filings may sufficiently depict individually identifiable
 18 persons whose privacy interests may be impaired. The least restrictive method to correct such
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26 ¹ 09/28/18 Mell Dec. Ex. A (Redacted Photos).

27 ² 09/28/18 Mell Dec.

28 ³ *Id.*

29 ⁴ *Id.*

30 ⁵ LCR 5(g)(B).

31 ⁶ Dkt. 78 at 3.

1 concern is to seal the DVD with the video, and replace the still shots with redactions of
2 individual faces.

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4 CONCLUSION

5 For the reasons stated above, GEO's motion to seal and substitute should be granted.

6 DATED this 28th day of September, 2018 at Fircrest, WA.

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10 Joan K. Mell, WSBA No. 21319
11 Attorney for The GEO Group, Inc.
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CERTIFICATE OF SERVICE

I, Joseph Fonseca, hereby certify as follows:

I am over the age of 18, a resident of Pierce County, and not a party to the above action.

On September 28, 2018, I electronically filed the above GEO Defendants' Motion to Seal, with the Clerk of the Court using the CM/ECF system and served via the CM/ECF E-Service system and E-Mail to the following:

Emily Chiang, WSBA No. 50517
Eunice Hyunhye Cho, GA Bar No. 632669
Antoinette M. Davis, WSBA No. 29821
American Civil Liberties Union of Washington Foundation
901 Fifth Avenue, Suite 630
Seattle, WA 98164
(206)-624-2184
echiang@aclu-wa.org
echo@aclu-wa.org
tdavis@aclu-wa.org

McNaul, Ebel, Nawrot & Helgren, PLLC
Daniel M. Weiskopf, WSBA No. 44941
Theresa DeMonte, WSBA No. 43994
600 Univeristy Street, Suite 2700
Seattle, WA 98101
dweiskopf@mcnaul.com
tdemonte@mcnaul.com

Sarah K. Morehead, WSBA No. 29680
Assistant United States Attorney
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, WA 98101
(206)-553-7970
sarah.morehead@usdol.gov

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1 I certify under penalty of perjury under the laws of the State of Washington that the above
2 information is true and correct.

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4 DATED this 28th day of September, 2018 at Fircrest, Washington.

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7 Joseph Fonseca, Paralegal